

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-V-

EDWARD SHIN,

Defendant.

19 Cr. 552 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Defendant Edward Shin filed a motion for a downward departure, variance, and other relief on September 7, 2022, Dkt. 231, accompanied by a memorandum articulating his position on an appropriate sentence, Dkt. 232. The Government filed its sentencing submission on September 14, 2022. Dkt. 233.

It is hereby ORDERED that, by September 26, 2022, the parties shall file supplemental briefing addressing the following issues:

First, whether a loan issued to Garden of Eden Enterprises, Inc. should be included in the total loss amount and, if so, whether the entirety of the loan should be considered as a temporary loss, *see United States v. Abiodun*, 536 F.3d 162, 168-169 (2d Cir. 2008), or whether any amounts of the loan paid following default should be considered as loss credits pursuant to U.S.S.G. § 2B.1, note 3(E)(ii), or any other provision.

Second, whether specific instances of perjury by the Defendant during his trial testimony support an obstruction of justice sentencing enhancement under U.S.S.G. § 3C1.1 and, if so, what those instances are.


Third, any previously imposed sentences for comparable conduct that the parties are aware of.

And fourth, the Government's response to Defendant's motion for a downward departure.
Dkt. 232 at 37-41.

Further, the sentencing scheduled for September 21, 2022 at 10:00 a.m. is adjourned until
October 6, 2022 at 9:00 a.m. in Courtroom 12D of 500 Pearl Street, New York, New York 10065.

SO ORDERED.

Dated: September 19, 2022
New York, New York



JOHN P. CRONAN
United States District Judge